

Muriel B. Kaplan, Esq. (SBN 124607)
Michele R. Stafford, Esq. (SBN 172509)
SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
San Francisco, CA 94104
(415) 882-7900
(415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
mstafford@sjlawcorp.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
TRUST FUND, et al.,

Plaintiffs,

v.

NOE MARTINEZ GARFIAS, individually and
dba GARFIAS FLOORING DESIGNS, *aka*
GARFIAS FLOORING DESIGN, INC., a
California Corporation,

Defendant.

Case No.: C09-3801 JSW

**REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE
AND ORDER THEREON**

Date: December 11, 2009

Time: 1:30 p.m.

Courtroom: 2, 17th Floor

450 Golden Gate Avenue

San Francisco, CA 94102

Judge: Honorable Jeffrey S. White

Plaintiffs respectfully request that the Case Management Conference currently scheduled for December 11, 2009, at 1:30 p.m., be continued for approximately ninety (90) days, as follows:

1. A Complaint was filed in this action on August 19, 2009, and served thereafter, to compel an audit of Defendant's records by the Plaintiffs.

2. Thereafter, Defendant did schedule an audit with the Funds' auditor, who has reviewed the necessary documents.

3. The auditor is in the process of analyzing the documents for preparation of an audit report. After the report is completed, the auditor will send a draft copy to Defendant for review and response to the amounts found due, if any. In the event that the Defendant opposes the findings, the parties will attempt to resolve the matters through discussion, or further documentation.

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REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

Case No.: C09-3801 JSW

5. Therefore, there is nothing for the Court to consider at this time.

I declare under penalty of perjury that I am the attorney for the plaintiffs in the above entitled action, and that the foregoing is true to the best of my knowledge and belief.

SALTZMAN & JOHNSON
LAW CORPORATION

IT IS SO ORDERED.

Dated: December 4, 2009


HONORABLE JEFFREY S. WHITE

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On December 4, 2009, I served the following document(s):

REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Noe Martinez Garfias, individually and dba
Garfias Flooring Designs, aka
Garfias Flooring Design, Inc.
4440 Bollenbacher Avenue
Sacramento, California 95838**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 4th day of December, 2009, at San Francisco, California.

_____/s/_____
Qui X. Lu